

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESSE ALAN FRANK,

Plaintiff,

vs.

TERRY KOTROUS, Captain, and
BILL KUCERA, Sergeant, in their
individual and official capacities,

Defendants.

4:14CV3184

ORDER

This matter is before the court on the plaintiff's, Jesse Alan Frank (Frank), Motion for the Appointment of Counsel (Filing No. 33). After considering the matter under the criteria articulated in *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013) and *Phillips v. Jasper Cnty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006), the court finds the appointment of counsel is appropriate. Accordingly,

IT IS ORDERED:

1. The plaintiff's Motion for the Appointment of Counsel (Filing No. 33) is granted.
2. Douglas H. Partridge, of the law firm of Copple, Rockey, McKeever & Schlecht, P.C., LLO, 2425 Taylor Ave., PO Box 78, Norfolk, Nebraska 68702-0078, 402.920.5051, is appointed to represent Frank in this matter.
3. The clerk's office shall provide Mr. Partridge and Frank with a copy of this Order.
4. Mr. Partridge shall promptly enter his appearance as counsel in this matter.
5. Mr. Partridge may incur reasonable expenses when representing Frank in accordance with parts III(A), VI(C), and VI(E) of the Amended Plans for Administration of the Federal Practice Funds and Federal Practice Committee.¹ **See also** NEGenR 1.7(g) and NECivR 54.3-54.4.

¹ Available at <http://www.ned.uscourts.gov/plans-and-policies>.

6. If this suit results in an award of attorney fees pursuant to 42 U.S.C. § 1988, Mr. Partridge shall reimburse the Federal Practice Fund from that award for the lesser amount of (a) expenses authorized in this order and/or (b) the attorney's fee and expense awarded pursuant to 42 U.S.C. § 1988. He shall retain the greater of those two amounts.

7. Mr. Partridge and counsel for the defendants shall meet and confer to discuss the progression of this case. Thereafter, counsel shall contact chambers to schedule a time for a telephone planning conference for the purpose of reviewing the preparation of the case to date and scheduling the case to trial. Defendants' counsel shall initiate the conference with the undersigned magistrate judge and participating counsel.

Dated this 18th day of May, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge